S.B. Cr. II Bail Application No. 5049/2007
(Mohd. Yusuf Malik Vs. State of Rajasthan)

Date of order : 28.11.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. Pradeep Shah for the petitioner.
Mr. Ashok Upadhyay, P.P.

This is second bail application.

Heard learned counsel for the petitioner and public prosecutor for the State.

It is contended by learned counsel for the petitioner that co-accused Sonu and Javed have been released on bail.

I have carefully gone through the Parcha Bayan of the injured, on the basis of which FIR has been lodged, as also the injury report of the injured and statements of other witnesses.

Though counsel for the petitioner has supplied the certified copy of the challan papers, however, the statement of injured Mohd. Sazid has not been supplied with the challan papers. Learned public prosecutor has shown me the statement of Mohd. Sazid recorded under Section 161 Cr.P.C.

While considering the earlier bail application, the police investigation diary and entire material was perused and thereafter by a detailed order, the bail application was dismissed. After dismissal of the earlier bail application, there is absolutely no change in the circumstances. So far as Sonu and Javed are concerned, there is no allegation of causing knife injury, whereas there is specific allegation against the present petitioner that he caused repeated stab wound injuries on the back of the chest

which is vital part. In the circumstances, therefore, no case for bail is made out. The second bail application filed by the petitioner under Section 439 Cr.P.C. is therefore, dismissed. However, it will be open for the petitioner to file a fresh bail application after the statement of injured Mohd. Sazid is recorded by the trial court. The trial court is directed to expedite the trial of the case.

(H.R.PANWAR), J.

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